



NEWS

Federal Communications Commission
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FCC ADOPTS SERVICE AND LICENSING RULES FOR 27 MHZ OF SPECTRUM REALLOCATED FOR NON-GOVERNMENT USE

Washington, D.C. – The Federal Communications Commission (FCC) has adopted a *Report and Order* implementing new service rules governing a total of 27 MHz in seven spectrum bands. The bands impacted by the Commission's action are the 216-220 MHz, 1390-1395 MHz, 1427-1429.5 MHz, 1429.5-1432 MHz, 1432-1435, 1670-1675 MHz, and 2385-2390 MHz bands. These bands have been reallocated for non-government use. The adopted rules establish a flexible regulatory and licensing framework. This action provides opportunities for new services to utilize this spectrum to address spectrum scarcity concerns as well as to promote the delivery of technologically innovative services to the public.

In the adopted *Report and Order*, the FCC made the following determinations regarding the service and licensing rules for these seven spectrum bands:

- **216-220 MHz:** License telemetry services on a secondary basis using a frequency coordinated site-by-site approach consistent with the technical specifications provided for telemetry operations under the FCC's Part 90 rules.
- **1390-1392 MHz:** Assign by 52 Major Economic Areas. Apply the general competitive bidding rules set forth in Part 1, Subpart Q, of the Commission's rules. Permit open eligibility for initial licenses assigned by geographic area licensing. Adopt ten-year license terms from the date of grant. Require licensees to demonstrate that they are providing substantial service when they file their renewal application. Allow licensees to partition and/or disaggregate their licenses.
- **1392-1395 MHz (paired with 1432-1435 MHz band):** Assign by six (6) Economic Area Groupings. Apply the general competitive bidding rules set forth in Part 1, Subpart Q, of the Commission's rules. Permit open eligibility for initial licenses assigned by geographic area licensing. Adopt ten-year license terms from the date of grant. Require licensees to demonstrate that they are providing substantial service when they file their renewal application. Allow licensees to partition and/or disaggregate their licenses.
- **1427-1429.5 MHz:** Continue to license the band to the Wireless Medical Telemetry Service (WMTS) on a primary basis. License telemetry services on a secondary basis in the band using a frequency coordinated site-by-site approach consistent with the technical specifications provided for telemetry operations under the FCC's Part 90 rules. Adopt certain elements of a proposal to allow telemetry to operate on a primary basis in this band in certain geographic "carve-out" areas.
- **1429.5-1432 MHz:** License telemetry services on a primary basis in the band using a frequency coordinated site-by-site approach consistent with the technical specifications provided for telemetry operations under the FCC's Part 90 rules. Adopt certain elements

of a proposal to allow WMTS to operate on a primary basis in this band in certain geographic “carve-out” areas.

- **1670-1675 MHz:** Assign on a single, nationwide basis. Permit open eligibility for initial licenses assigned by geographic area licensing. Apply the general competitive bidding rules set forth in Part 1, Subpart Q, of the Commission’s rules. Adopt ten-year license term from the date of grant. Require licensees to demonstrate that they are providing substantial service when they file their renewal application. Allow licensees to partition and/or disaggregate their licenses.
- **2385-2390 MHz:** Assign on a single, nationwide basis. Apply the general competitive bidding rules set forth in Part 1, Subpart Q, of the Commission’s rules. Permit open eligibility for initial licenses assigned by geographic area. Adopt ten-year license terms from the date of grant. Require licensees to demonstrate that they are providing substantial service when they file their renewal application. Allow licensees to partition and/or disaggregate their licenses. Establish coordination procedures for licensees operating near non-Government aeronautical flight-test telemetry sites.

The *Report and Order* also recognizes that several of the bands in this proceeding are encumbered by co-channel incumbent Government operations that must be protected from harmful interference either indefinitely or until they are relocated at a future date. Accordingly, the *Report and Order* implements coordination procedures that require certain fixed and mobile licensees to receive approval from the Government incumbent prior to commencing operations within the incumbent’s protection radii zone as designated by the NTIA and as codified in our rules.

The Commission also notes that it intends to initiate a proceeding to develop a more current and substantial record on the Commission’s mandate to ensure that rural telecommunications companies are given the opportunity to participate in the provision of spectrum-based services. Accordingly, the Commission plans to initiate a Notice of Inquiry regarding a number of topics related to the provision of spectrum-based service to rural areas.

Action by the Commission May 16, 2002, by Report and Order (FCC 02-152). Chairman Powell, Commissioners Abernathy and Martin with Commissioner Copps approving in part and dissenting in part, and Commissioners Abernathy and Copps issuing statements.

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